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FIRST AMENDMENT

BILL NO. 2018-9

ORDINANCE NO. 6620

AN ORDINANCE TO AMEND LVMC CHAPTER 6.95 PERTAINING TO MEDICAL MARIJUANA TO CONFORM TO RECENTLY-ADOPTED PROVISIONS OF STATE LAW; TO ADD TO THAT CHAPTER PROVISIONS REGARDING THE LICENSING AND REGULATION OF "RETAIL" MARIJUANA OPERATIONS CONSISTENT WITH STATE LAW; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Amends LVMC Chapter 6.95 pertaining to medical marijuana to 1) conform to recently-adopted provisions of State law and 2) add to that Chapter provisions regarding the licensing and regulation of "retail" marijuana operations consistent with State law.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 95, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.95.010: (A) The Las Vegas City Council finds[:] as follows:

(1) [In 2013 the Nevada Legislature passed, and the Governor signed into law, Senate Bill 374, now codified in NRS 453A, which allows medical marijuana establishments within the state of Nevada; and requires such establishments to comply with all local business licensing requirements and local land use and code requirements;] By virtue of State legislation now codified in NRS Chapters 453A and 453D, medical marijuana establishments and other marijuana-related establishments and services are authorized to conduct business within the State, subject to State and local regulation;

(2) Federal law and related regulations classify marijuana as a Schedule I controlled substance and prohibit its cultivation, possession, dispensing and use, among other things, for medical reasons or otherwise. This [Ordinance] Chapter is intended to implement NRS Chapters 453A and 453D and to establish criteria for the issuance of licenses that are a prerequisite for the exemption from state prosecution provided for in [NRS 453A;] those chapters. Nothing in this Chapter is intended to authorize or

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1 make legal any act that Federal or State law does not permit or sanction or assist any violation of any Federal
2 or State law;

3 (3) Nevada law also allows the City to enact regulations to protect and promote
4 the public health, safety and general welfare and regulate the use of buildings, structures, land use and
5 business and other purposes;

6 (4) Law enforcement and residents of states that authorize the medical and other
7 use of marijuana report, among other things, that [dispensaries and the medical] marijuana sales and the use
8 of marijuana are correlated to myriad negative secondary effects such as an increase in violent armed
9 robberies, burglaries, traffic, noise, drug and gang activity, and organized crime; [and] an increase in other
10 issues related to the presence of large amounts of cash, such as money laundering and firearms violations;
11 [and] the underreporting of crimes committed at [Medical Marijuana Establishments,] marijuana-related
12 establishments; the creation of opportunities for the diversion of marijuana for [medical] authorized use into
13 illegal use[.]; increased poisonings, structural fires and mold growth[.]; [and] decreased quality of life; and a
14 disregard of environmental standards;

15 (5) The strong odor of marijuana plants, which increases as the plants mature,
16 is offensive to many individuals and creates an attractive nuisance, alerting people to the location of valuable
17 marijuana plants and creating an increased risk of crime;

18 (6) Marijuana and cannabis edible and infused products pose risks to children,
19 elderly and non-user populations; and

20 (7) The public health, safety and welfare require that [medical marijuana
21 facilities] marijuana-related establishments and services and their employees be regulated and licensed in
22 order to protect the public.

23 (B) The City Council declares that this [Medical Marijuana] Chapter is an exercise of
24 the regulatory powers delegated to the City Council pursuant to the City Charter, [and NRS 268.] NRS
25 Chapter 268, and NRS Chapters 453A and 453D. The regulations contained in this Chapter involve, to the
26 highest degree, the economic, social, physical and moral well-being of the residents and taxpayers of the

1 City. The cultivation, distribution, production and sale of [medical] marijuana is not a matter of right but of
2 privilege, which would otherwise be unlawful if it were not conducted pursuant to NRS [453A.] Chapters
3 453A and 453D, local land use regulations and a license under this Chapter. This privilege may be denied,
4 revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the exercise of
5 its police powers for the protection of the safety, welfare, health, peace and morals of the residents and
6 taxpayers thereof. Businesses engaged in the sale or other disposition of [medical] marijuana must therefore
7 comply with LVMC Chapter 6.06 and all requirements of this Chapter[.]; except as otherwise specifically
8 provided. Every person licensed pursuant to this Chapter shall cooperate with the Department and Metro
9 personnel in the exercise of their duties under this Chapter.

10 (C) Nothing in this Chapter shall be construed to confer any legitimate claim of
11 entitlement to any benefit which might otherwise devolve upon any licensee or any person approved for
12 suitability.

13 (D) Nothing in this Chapter is intended to authorize or make legal any act that federal or
14 state law does not permit or sanction or assist any violation of any federal or state law. [This Chapter is
15 intended to implement NRS 453A and to establish criteria for the issuance of licenses that are a prerequisite
16 for the exemption from state prosecution provided for in NRS 453A.]

17 SECTION 2: Title 6, Chapter 95, Section 20, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.95.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally
20 construed in order to effectuate the purpose of this Chapter, and, in particular, the following words shall have
21 the meaning ascribed to them as follows:

22 “Building Official” means the Director of Building and Safety or the Director’s designee.

23 “Cannabis” or “marijuana” [have the same meaning, and as may be amended, as defined by Nevada
24 Revised Statutes Chapter 453A.] has the meaning ascribed to the term “marijuana” in NRS Chapters 453A
25 and 453D.

26 “Compliance permit” means a permit issued under LVMC 6.95.040.

1 “Cultivation facility” has the meaning ascribed to it in NRS 453A.056[,] and means a business that
2 is registered under NRS 453A.322 and acquires, possesses, cultivates, delivers, transfers, transports, supplies
3 or sells marijuana and related supplies to a medical marijuana dispensary, facility for the production of edible
4 marijuana products or marijuana-infused products or other cultivation facilities.

5 “Designated primary caregiver” has the meaning ascribed to it in NRS 453A.080.

6 “Dual licensee” has the meaning ascribed to it in NRS 453D.030.

7 “Dual use marijuana business” means a dual licensee that holds a medical marijuana establishment
8 license pursuant to this Chapter and that has been issued a license to operate as a dual use marijuana business
9 pursuant to LVMC 6.95.270.

10 “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101 and means products
11 that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion; and
12 are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

13 “Independent testing laboratory” has the meaning ascribed to it in NRS 453A.107 and is a business
14 certified under NRS 453A.368 which provides independent testing of marijuana, edible marijuana products
15 and marijuana-infused products that are to be sold in the State.

16 “Key employee” means an employee designated by a business licensee to oversee the operations of
17 the business in the absence of the licensee.

18 [“Medical marijuana” has the meaning ascribed to it in NRS 453A.096 and as used in accordance
19 with NRS 453A.120.]

20 “Marijuana cultivation facility” has the meaning ascribed to it in NRS 453D.030 and means an entity
21 licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility,
22 and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other
23 marijuana cultivation facilities, but not to consumers.

24 “Marijuana distributor” has the meaning ascribed to it in NRS 453D.030 and, for purposes of this
25 Chapter, means an entity licensed by both the City and the State regulating authority to transport marijuana
26 from a marijuana establishment to another marijuana establishment.

1 “Marijuana distributor agent” means an owner, officer, board member, employee or volunteer of a
2 marijuana distributor; an independent contractor who provides labor relating to the distribution of marijuana
3 for a marijuana establishment; or an employee of such an independent contractor.

4 “Marijuana distributor transportation contractor” means a person who contracts with a marijuana
5 distributor to transport marijuana, on behalf of that distributor, from a marijuana establishment to another
6 marijuana establishment.

7 “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030 and means a marijuana
8 cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana
9 distributor, or a retail marijuana store.

10 “Marijuana establishment agent” means an owner, officer, board member, employee or volunteer of
11 a marijuana establishment; an independent contractor who provides labor relating to the cultivation,
12 processing, or distribution of marijuana or the production of marijuana or marijuana products for a marijuana
13 establishment; or an employee of such an independent contractor.

14 “Marijuana infused products” has the meaning ascribed to it in NRS 453A.112 and means products
15 that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans
16 through means other than inhalation or oral ingestion. The term includes, without limitation, topical products,
17 ointments, oils and tinctures.

18 “Marijuana paraphernalia” has the meaning ascribed to it in NRS 453D.030 and means any
19 equipment, products, and materials of any kind which are used, intended for use, or designed for use in
20 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,
21 producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for
22 ingesting, inhaling, or otherwise introducing marijuana into the human body.

23 “Marijuana product manufacturing facility” has the meaning ascribed to it in NRS 453D.030 and
24 means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana
25 products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and
26 to retail marijuana stores, but not to consumers.

1 “Marijuana products” has the meaning ascribed to it in NRS 453D.030 and means products
2 comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or
3 consumption, such as, but not limited to, edible products, ointments, and tinctures.

4 “Marijuana testing facility” has the meaning ascribed to it in NRS 453D.030 and means an entity
5 licensed to test marijuana and marijuana products, including for potency and contaminants.

6 “Medical marijuana” has the meaning ascribed to it in NRS 453A.096 and as used in accordance
7 with NRS 453A.120.

8 “Medical marijuana dispensary” has the meaning ascribed to it in NRS 453A.115, and means a
9 business that is registered under NRS 453A.322 and which acquires, possesses, supplies, sells or dispenses
10 marijuana or related supplies and educational materials to the holder of a valid registry identification card.

11 “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116 and means any
12 establishment licensed under this Chapter and in possession of a valid registration certificate under NRS
13 453A and may include a medical marijuana dispensary, medical marijuana production facility, cultivation
14 facility or independent testing laboratory.

15 “Medical marijuana production facility” has the meaning ascribed to a “facility for the production of
16 edible marijuana products or marijuana-infused products” in NRS 453A.105 and means a business which
17 acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells at wholesale edible
18 marijuana products or marijuana-infused products to medical marijuana dispensaries.

19 “Medical marijuana support business” means a business that provides goods or services to a medical
20 marijuana establishment and receives at least fifty percent of its annual revenue from licensed medical
21 marijuana establishments.

22 “Paraphernalia” has the meaning ascribed to it in NRS 453A.125.

23 “Registration certificate” means a certificate issued pursuant to NRS 453A.322 by the State
24 regulating authority. In accordance with subsection 3 of NRS 453A.326, any registration certificate issued
25 by the State regulating authority is provisional until such time as the establishment is in compliance with all
26 applicable City ordinances and rules, and the City has issued a business license for the operation of the

1 establishment.

2 “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

3 “Retail marijuana store” has the meaning ascribed to it in NRS 453D.030 and means an entity
4 licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana
5 products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana
6 and marijuana products to consumers.

7 “Retail marijuana support business” means a business that provides goods or services to a marijuana
8 establishment and receives at least fifty percent of its annual revenue from licensed marijuana establishments.
9 The term does not include a business that qualifies as a marijuana distributor transportation contractor.

10 “State regulating authority” means [the Division of Public and Behavioral Health of] the Department
11 of [Health and Human Services] Taxation of the State of Nevada and/or any other agency assigned to
12 administer NRS [453A.] Chapters 453A and 453D.

13 SECTION 3: Title 6, Chapter 95, Section 30, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.95.030:** (A) It shall be unlawful for any person to operate any medical marijuana establishment
16 in the City [without a valid registration certificate duly issued by the State regulating authority, and a license
17 issued pursuant to this Chapter and operating in compliance with any and all applicable state laws and the
18 Las Vegas Municipal Code.] under any of the following circumstances:

19 (1) Without a valid registration certificate duly issued by the State regulating
20 authority;

21 (2) Without a license issued pursuant to this Chapter; or

22 (3) In violation of applicable state laws or this Code.

23 (B) Except as otherwise permitted by NRS 453A.352(5), it shall be unlawful for any
24 person to provide marijuana, edible marijuana products or marijuana infused products to a medical marijuana
25 establishment within the City without a registration [certification] certificate duly issued by the State
26 regulating authority and a license issued by the City.

1 (C) Except for sales pursuant to NRS 453A.352(5), it shall be unlawful for any licensed
2 medical marijuana establishment located within the City to accept for sale any marijuana, edible marijuana
3 products or any marijuana infused products from any person who has not obtained a registration certificate
4 from the State regulating authority, or who is not duly licensed under this Chapter for the provision of such
5 products.

6 (D) It shall be unlawful for a person to engage in any form of business or commerce
7 involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation or
8 consumption of marijuana other than those forms of businesses and commerce that are expressly
9 contemplated by this Chapter.

10 (E) [It shall be unlawful for any person to sell medical marijuana at a licensed medical
11 marijuana dispensary between the hours of 3:00 a.m. and 6:00 a.m. daily, unless otherwise permitted by the
12 City Council as a condition of licensing.

13 (F)] It shall be unlawful for any medical marijuana dispensary to sell medical marijuana
14 without complying with State requirements concerning use of the electronic verification system maintained
15 by the State regulating authority, including authenticating the validity of the medical marijuana registry
16 identification card with the State electronic verification system.

17 (F) It shall be unlawful for any person to operate any marijuana establishment in the
18 City in any of the following circumstances:

19 (1) Without a licensee duly issued by the State regulating authority;

20 (2) Without a license issued pursuant to this Chapter; or

21 (3) In violation of applicable state laws or this Code.

22 (G) It shall be unlawful for any person to provide marijuana, edible marijuana products
23 or marijuana infused products to a marijuana establishment within the City without a license duly issued by
24 the State regulating authority and a license issued by the City.

25 (H) It shall be unlawful for any licensed marijuana establishment located within the City
26 to accept for sale any marijuana, edible marijuana products or any marijuana infused products from any

1 person who has not obtained a license to do so from the State regulating authority, or who is not duly licensed
2 under this Chapter for the provision of such products.

3 (I) For purposes of this Section and this Chapter, and as specified in LVMC 6.95.020,
4 the term "medical marijuana establishment" pertains to establishments authorized and regulated by NRS
5 Chapter 453A and the term "marijuana establishment" pertains to establishments authorized and regulated
6 by NRS Chapter 453D. Therefore, neither term includes the other. However, even though the terms cover
7 mutually exclusive categories, a particular person or establishment may qualify for certification or licensing
8 under both categories and thus be governed by and subject to regulations governing each category as
9 applicable.

10 SECTION 4: Title 6, Chapter 95, Section 40, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.95.040:** (A) A medical marijuana compliance permit issued by the City Council is required prior
13 to the Director accepting a license application for a medical marijuana establishment.

14 (B) The City Council may consider proposals for a medical marijuana compliance
15 permit from any business or individual applying to the State regulating authority for a registration certificate
16 for a medical marijuana establishment located within the City.

17 (C) Before a medical marijuana license has been issued to an applicant, changes to the
18 corresponding medical marijuana compliance permit that has been issued by the City Council may be made
19 without having to apply for and receive a new compliance permit. However, such changes are subject to the
20 notification and approval requirements of LVMC 6.06.200 and 6.06.210 as if the compliance permit were a
21 business license.

22 (D) Except with respect to the holder of a license to operate a dual use marijuana
23 business in accordance with and subject to the provisions and limitations of LVMC 6.95.270, the Director
24 may require the submission and approval of an application for a compliance permit before a person may
25 apply for a license to operate a marijuana establishment. An applicant must have first applied for licensing
26 by the State regulating authority as a marijuana establishment and the process shall otherwise be the same as

1 is set forth in Subsections (A) through (C) of this Section.

2 SECTION 5: Title 6, Chapter 95, Section 50, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.95.050:** Upon determination to accept [medical marijuana] compliance permit applications for
5 medical marijuana establishments[,] or marijuana establishments, the Director shall issue a request for permit
6 applications specifying the types of [medical marijuana] establishments for which [medical marijuana]
7 compliance permit applications may be accepted, which request shall also establish the deadline to submit
8 [medical marijuana] compliance permit applications. The Director shall:

9 (A) Post on the website of the Department at least ten days prior to the acceptance period
10 for such submittals the [type of medical marijuana establishment permits] types of permit applications that
11 will be accepted.

12 (B) Provide a permit application period within which all applications must be submitted,
13 which period shall be not more than ten days, with a three p.m. Pacific Time deadline for all submitted
14 applications on the final day.

15 (C) Return to the entity that submitted an application, any application received at a time
16 other than the time set forth in this subsection, and consistent with the notice posted on the website.

17 (D) Not allow the modification of any application once the deadline for complete
18 applications has passed.

19 (E) Reject and not process any applications that are incomplete.

20 SECTION 6: Title 6, Chapter 95, Section 60, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.95.060:** Except with respect to the holder of a license to operate a dual use marijuana business, [A]
23 a separate application must be submitted for each compliance permit (if required) and license for a medical
24 marijuana establishment[,] and marijuana establishment. The application for each [medical marijuana]
25 compliance permit must include:

26 (A) A complete application per LVMC Chapter 6.06 for the applicant.

1 (B) An application for approval of suitability per LVMC 6.06.070 for each principal of
2 the proposed [medical marijuana] establishment.

3 (C) A one-time, nonrefundable permit application fee of five thousand dollars.

4 (D) If required for the use, [A] a complete special use permit application, all applicable
5 fees pursuant to LVMC Chapters 19.12 and 19.16, and all required accompanying documents.

6 (E) A [medical marijuana] compliance permit application on forms prescribed by the
7 Director.

8 (F) [A complete description of the products and services to be produced or sold by the
9 medical marijuana establishment.

10 (G)] A complete and accurate copy of the application and all accompanying documents
11 to be filed pursuant to [NRS 453A.322 including, but not limited to:] applicable provisions of NRS Chapters
12 453A and 453D and corresponding regulations.

13 [(1)] (G) All proposals for operations, business plans, attestations, financial documentation,
14 and required tax reports;

15 [(2)] (H) All documents detailing proposed organizational structure[, and all narratives, and
16 resumes;] and related narratives;

17 [(3)] (I) All documentation required concerning the adequacy of the proposed building and
18 construction plans with supporting details in the form specified by the [City] Building Official and the
19 payment of all required review and inspection fees;

20 [(4) All testing, transportation, policy and operations manuals, financial plan,
21 and an environmental plan.]

22 (J) An environmental plan.

23 [(H)] (K) A security plan, including a depiction of the location and configuration of security
24 cameras, indicating how the applicant intends to comply with the requirements related to monitoring and
25 securing the licensed premises as required by this Chapter.

26 [(I)] (L) An accounting plan that includes how sales and inventory will be tracked on a daily,

1 weekly, and monthly basis, and how this information will be stored and safeguarded.

2 [(J)] A sign and advertising plan, including all proposed interior signage.

3 [(K)] [(M)] A copy of all [contracts,] existing and proposed contracts for consulting,
4 management, [renting] or leasing the premises for the proposed [medical marijuana] establishment, including
5 written documentation stating that the property owner of the proposed location for the establishment is fully
6 aware of the property's intended use or a copy of the deed to such property showing ownership vested in the
7 applicant.

8 [(L)] [(N)] A written statement acknowledging that the applicant understands applicable federal
9 laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nevada
10 and the laws and regulations of the City applicable thereto concerning the operation of [a medical marijuana]
11 an establishment. The written statement shall also acknowledge that any violation of any laws or regulations
12 of the State of Nevada or of the City, or any activity in violation of any guidance or directives issued by the
13 U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of
14 any legal proceeding relating to such [medical marijuana] establishment by federal authorities, may render
15 the permit and such license subject to immediate suspension or revocation.

16 [(M)] [(O)] A written statement to the Director that the applicant will hold harmless, indemnify,
17 and defend the City against all claims and litigation arising from the issuance of a permit and/or license,
18 including any claims and litigation arising from the establishment, operation, or ownership of the [medical
19 marijuana] establishment, and that a bond to secure such obligation in an amount required pursuant to LVMC
20 6.95.090 will be provided prior to the issuance of any license.

21 [(N)] [(P)] An acknowledgement that the applicant is seeking a privilege under LVMC Chapter
22 6.06 and understands that each principal must be found suitable to hold such license by the City Council prior
23 to the issuance of any license; that the applicant understands and acknowledges that the burden of proving
24 qualifications to receive such a permit or license is at all times on the applicant; that the granting of a [medical
25 marijuana] compliance permit and/or license is at the discretion of the City Council; and that the applicant
26 agrees to abide by the decision.

1 SECTION 7: Title 6, Chapter 95, Section 70, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.95.070:** (A) The Director shall complete a preliminary review of all submitted applications for a
4 [medical marijuana] compliance permit to determine whether the application is complete. An application
5 shall be deemed complete by the Director only when an application filed prior to the close of the noticed
6 application period contains each of the following:

7 (1) Each [application, narrative, plan, rendering, contract and other] document
8 required in [this section;] LVMC 6.95.060;

9 (2) Proof of compliance with all applicable submittal requirements of NRS
10 Chapters 453A and 453D, and any other regulation or requirement of the State regulating authority;

11 (3) Proof that the proposed location for the medical marijuana establishment or
12 marijuana establishment is consistent with the requirements of LVMC Title 19;

13 (4) [All] Proof that all fees have been paid;

14 (5) [All] Proof that all waivers, acknowledgements, and statements are properly
15 signed and acknowledged by the applicant and every principal; and

16 (6) [Each] Proof that each principal has filed complete applications per LVMC
17 Chapter 6.06 and [each individual has submitted to fingerprinting and photographing per LVMC Chapter
18 6.06.] has complied with the suitability requirements of that chapter.

19 (B) The Director shall reject and return to the applicant any application that is
20 incomplete or otherwise fails to meet the applicable criteria established in this Chapter, in NRS [453A,]
21 Chapters 453A or 453D, or the regulations of the State regulating authority. Permit application fees are non-
22 refundable, and shall not be refunded in the event of rejection of an application.

23 (C) The Director shall review all complete [medical marijuana] compliance permit
24 applications that satisfy the applicable criteria, and may refer such applications in part, or in whole, to other
25 City departments or Metro for investigation, review and comment, as the Director deems appropriate.

26 (D) The Director shall prepare a report on the merits of each complete [medical

1 marijuana] compliance permit application, the potential suitability of any and all principals and the
2 application's compliance with the provisions of this Chapter and LVMC Title 19, and the application
3 demonstrates the required financial, technical or educational ability or experience to perform the activity for
4 which approval is sought. In recommending the granting or denying of such medical marijuana compliance
5 permit, the Director shall give particular consideration to the identity, character, and background of the
6 applicant, capacity, capitalization, past business practices of the applicant, operational plan, organizational
7 structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control
8 systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and
9 aesthetics; impact on the surrounding neighborhood; the type and degree of security personnel and facilities
10 and any other factors that in his or her discretion deems necessary to the safety, peace, order and welfare of
11 the public.]

12 (E) The Director may inspect or cause to be inspected each proposed location for a
13 medical marijuana establishment or marijuana establishment and may call for and conduct interviews. Prior
14 to approval of a [medical marijuana] compliance permit, the Director [shall] may also require an inspection
15 by the [Fire and Building Departments.] the Department of Fire and Rescue and the Department of Building
16 and Safety. Applicants shall pay all inspection fees that may be required in connection therewith.

17 (F) Following the Director's review, the Director shall forward a report on the merits of
18 each complete application with recommendations to the City Council for consideration.

19 SECTION 8: Title 6, Chapter 95, Section 80, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.95.080:** (A) The City Council will review all applications for [medical marijuana] compliance
22 permits that have been deemed complete by the Director[,] and concerning which the proposed locations
23 have been approved for the use by means of special use permit under LVMC Title 19. [Such review shall
24 occur simultaneously with the review of the applicant's special use permit application for the proposed
25 medical marijuana establishment.]

26 (B) The City Council may approve, deny or take such other action with respect to the

1 Director's recommendations on applications for [medical marijuana] compliance permits as it considers
2 appropriate. The burden of showing the qualifications, acceptability or fitness for such permit and the location
3 is upon the applicant.

4 (C) The City Council shall deny any permit if the permit will not be in the best interest
5 of the welfare, health, or safety of the City[;], or if the application or location is determined by the Council
6 to not be suitable under this Chapter or the requirements of LVMC Title 19. In considering whether to
7 approve or deny a [medical marijuana] compliance permit, the City Council shall consider [the identity,
8 character, and background of the applicant, capacity, capitalization, past business practices of the applicant,
9 operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor
10 plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as
11 to parking, traffic movement and aesthetics; impact on the surrounding neighborhood; the type and degree
12 of security personnel and facilities and any other factors that in his or her discretion deems necessary] the
13 various aspects of the application in relation to the safety, peace, order and welfare of the public.

14 (D) Upon approval of a medical marijuana compliance permit, the Director shall prepare
15 a notice to the State regulating authority pursuant to NRS 453A.322.3(a)(5), outlining that the proposed
16 location has been found in conformance with land use and zoning restrictions and that the applicant is eligible
17 to be considered for a medical marijuana establishment business license. Issuance of such a notice does not
18 preclude the City from conducting further review of an applicant's proposed medical marijuana establishment
19 for compliance with land use, zoning and building requirements, in the context of evaluation of an application
20 for a medical marijuana establishment business license pursuant to LVMC Chapter 6.06 and this Chapter.
21 With respect to a compliance permit application regarding a marijuana establishment, the Director shall
22 provide such information to the State regulating authority as it may require.

23 (E) If the City Council denies a [medical marijuana] compliance permit application[,]
24 a license based upon suitability, or the State regulating authority fails to rank the application presented within
25 limits of the number of medical marijuana or marijuana establishments allowed within the City, as established
26 by state law, the applicant may reapply for a [medical marijuana] compliance permit no sooner than one year

1 from the date of the application period in which the application was filed.

2 (F) Any medical marijuana compliance permit or compliance permit for a marijuana
3 establishment is considered surrendered by the applicant if a business license has not been granted within
4 twelve months [of the issuance of a registration certificate issued by the State regulating authority.] after the
5 issuance of the compliance permit.

6 SECTION 9: Title 6, Chapter 95, Section 90, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.95.090:** (A) Following action by the State regulating authority issuing a provisional medical
9 marijuana establishment registration certificate, the City Council shall evaluate whether to grant any
10 proposed medical marijuana establishment that received a medical marijuana compliance permit a medical
11 [marijuana] marijuana-related business license. Following action by the State regulating authority issuing a
12 license for a marijuana establishment, the City Council shall evaluate whether to grant any proposed
13 marijuana establishment a business license to operate a marijuana establishment, taking into account any
14 compliance permit that may have been required and issued.

15 (B) The City Council may issue licenses for the following types of medical marijuana
16 establishments[:] and marijuana establishments:

17 (1) Medical Marijuana Dispensary. A medical marijuana dispensary license
18 allows the licensee to acquire, possess, supply and sell or dispense usable marijuana, edible marijuana
19 products, marijuana infused products, and marijuana paraphernalia exclusively to State regulating authority-
20 designated medical marijuana registry card holders.

21 (2) Cultivation Facility. A cultivation facility license allows the licensee to
22 acquire, possess, cultivate, package, label, deliver, transfer, transport, supply and sell wholesale marijuana
23 and related supplies to a medical marijuana dispensary, medical marijuana production facility, or to other
24 cultivation facilities only.

25 (3) Independent Testing Laboratory. An independent testing laboratory license
26 allows the licensee to independently test marijuana, edible marijuana products and marijuana-infused

1 products that are to be sold at medical marijuana establishments operating in accordance with the
2 requirements of NRS Chapter 453A.

3 (4) Medical Marijuana Production Facility. A medical marijuana production
4 facility license allows the licensee to acquire, process, manufacture, deliver, transfer, transport, package, and
5 label usable marijuana and marijuana-infused products for sale at wholesale to marijuana dispensaries only.

6 (5) Marijuana Cultivation Facility. A marijuana production facility license
7 allows the licensee to cultivate, process, and package marijuana, to have marijuana tested by a marijuana
8 testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities,
9 and to other marijuana cultivation facilities, but not to consumers.

10 (6) Marijuana Distributor. A marijuana distributor license allows a licensee to
11 transport marijuana from a marijuana establishment to another marijuana establishment.

12 (7) Marijuana Product Manufacturing Facility. A marijuana product
13 manufacturing license allows the licensee to purchase marijuana, manufacture, process, and package
14 marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product
15 manufacturing facilities and to retail marijuana stores, but not to consumers.

16 (8) Marijuana Testing Facility. A marijuana testing facility license allows the
17 licensee to test marijuana and marijuana products, including for potency and contaminants.

18 (9) Retail Marijuana Store. A retail marijuana store license authorizes the
19 licensee to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana
20 products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana
21 and marijuana products to consumers.

22 (10) Dual Use Marijuana Business. See LVMC 6.95.270.

23 (C) [A medical marijuana establishment license applicant] An applicant for a license
24 under this Section may not exercise any of the privileges of [a medical marijuana establishment] such a
25 license until the final pre-operational inspections have been conducted and all applicable inspection and
26 license fees are paid.

1 (D) [Prior to issuance of a license, the licensee must designate one principal, all key
2 employees and all management personnel to demonstrate competence in local regulations as evidenced by a
3 written demonstration administered by the Director.

4 (E) Licenses shall expire two years from the date of issuance and a licensee must apply
5 for biennial review pursuant to LVMC 6.95.170.

6 (F) A [medical marijuana establishment] licensee shall provide and maintain at all times
7 and at its own expense a certificate of insurance at amounts and terms approved by the Director prior to
8 issuance or renewal of a license. Any failure to maintain insurance or provide proof of insurance is grounds
9 for the Director to suspend the license.

10 (1) As determined appropriate by the Director, the minimum coverage amounts
11 which may be required shall be as follows:

12 (a) [Production/Cultivation Facilities:] Cultivation Facility, Marijuana
13 Cultivation Facility, Production Facility, or Marijuana Product Manufacturing Facility: Liability coverage
14 for products and completed operations (one million dollars per occurrence, two million dollars aggregate);
15 commercial automobile coverage (one million dollars per occurrence); and excess liability coverage (one
16 million dollars).

17 (b) [Dispensaries:] Medical Marijuana Dispensary or Retail Marijuana
18 Store: General liability (one million dollars per occurrence, with two million dollars aggregate, for bodily
19 injury and property damage arising out of licensed activities); liability coverage for products and completed
20 operations (one million dollars per occurrence, with two million dollars aggregate); professional liability
21 coverage (one million dollars per occurrence); and excess liability coverage (one million dollars).

22 (c) [Independent testing laboratories:] Independent Testing Laboratory
23 or Marijuana Testing Facility: Professional liability coverage (one million dollars per occurrence), and
24 excess liability coverage (one million dollars).

25 (d) Marijuana Distributor: No minimum coverage required by
26 ordinance, with required coverage, if any, to be determined by the Director.

1 (2) All required general liability and excess liability policies shall name the City
2 and its elected officials, officers, agents, employees and volunteers as additional insureds. All policies shall
3 be primary over any other valid and collectible insurance.

4 [(G)] (E) Prior to the issuance or renewal of a license, [a medical marijuana cultivation
5 facility, an independent testing laboratory, or a medical marijuana production facility licensee] the applicant
6 or licensee for a cultivation facility, a marijuana cultivation facility, a medical marijuana production facility,
7 or a marijuana product manufacturing facility shall provide a surety bond as set forth in this section. The
8 bond must be at the applicant or licensee's own expense and remain in force throughout the term of the
9 license. The bond must cover the licensee's obligation, for itself and its agents, employees, subcontractors,
10 and the agents and employees of any subcontractors, to indemnify, defend, and hold harmless the City, and
11 any of its elected or appointed officers, agents, or employees, from any and all claims, demands, actions,
12 damages, decrees, judgments, attorney fees, costs, and expenses which the City, or such elected or appointed
13 officers or employees, may suffer, or which may be recovered from, or obtainable against the City, or such
14 elected or appointed officers or employees, as a result of, by reason of, or arising out of the use of the license,
15 or the exercise by the licensee of any or all of the rights, privileges, permission, and authority conferred
16 herein, or as a result of any alleged act or omission on the part of the licensee in performing or failing to
17 perform any of its obligations. Such surety bond shall be in the amount of two hundred fifty thousand dollars,
18 or such lesser amount as the City may deem appropriate in particular cases.

19 [(H)] (F) Upon approval by the City Council of a [medical marijuana] compliance permit and
20 the issuance of a provisional medical marijuana registration certificate or a license by the State regulating
21 authority, the Director shall process a license application pursuant to LVMC Chapter 6.06.

22 SECTION 10: Title 6, Chapter 95, Section 95, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.95.095:** (A) A business that qualifies as a medical marijuana support business, a retail marijuana
25 support business or a marijuana distributor transportation contractor is subject to the licensing requirements
26 of this Section, as well as the regulatory and fee requirements of this Chapter, independent of any other

1 applicable provisions of this Title. Except as otherwise provided in [Subsections (B) and (C),] Subsection
2 (B), the license is not subject to the provisions of LVMC Chapter 6.06 pertaining to licensing and suitability
3 approvals.

4 (B) Except with respect to businesses regulated under NRS Titles 54 to 57, inclusive,
5 the Director shall have the discretion to decide that a business described in Subsection (A) that is proposing
6 to provide certain types of goods or services must follow particular provisions of LVMC Chapter 6.06
7 pertaining to licensing and suitability approvals. In any such case, however,

8 [(C) Notwithstanding any other provision of this Section or LVMC Chapter 6.06,] the
9 Director is the approving authority for the issuance of licenses issued under this Section and related suitability
10 determinations.

11 (C) In order to qualify for licensing as a marijuana distributor transportation contractor,
12 an applicant or licensee must obtain and maintain a valid and current registration as a marijuana distributor
13 agent, as evidenced by a marijuana distributor agent card issued by the State regulating authority.

14 SECTION 11: Title 6, Chapter 95, of the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 97, reading as
16 follows:

17 **6.95.097:** (A) Any person who qualifies and desires to provide services as a marijuana distributor
18 within the City must first apply for and obtain a license to do so. Except as otherwise provided in this Section,
19 an applicant for a marijuana distributor license and a marijuana distributor licensee are subject to the same
20 procedures for licensing and the same requirements and limitations that apply to other marijuana
21 establishments under this Chapter.

22 (B) An applicant for a marijuana distributor license is not required to:

- 23 (1) Comply with the permit process set forth in LVMC 6.95.040; or
24 (2) Post the surety bond required by LVMC 6.95.090.

25 (C) With respect to a marijuana distributor license, the Director may:

- 26 (1) Waive any requirement of this Chapter that otherwise might pertain to a

1 marijuana distributor by reason of its classification as a marijuana establishment; or

2 (2) Otherwise determine that particular requirements of this Chapter do not
3 apply to a marijuana distributor,

4 →where the Director determines that such a requirement does not pertain to the operations of a marijuana
5 distributor or that to apply such a requirement is not necessary or appropriate for the purposes of this Chapter.

6 (D) A marijuana distributor may not store marijuana or marijuana products on the site
7 where the business is located.

8 SECTION 12: Title 6, Chapter 95, Section 100, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.95.100:** (A) A [medical marijuana] cultivation facility, marijuana cultivation facility,
11 independent testing laboratory, marijuana testing facility, [or a] medical marijuana production facility or
12 marijuana product testing facility which has obtained a business license in a jurisdiction within Nevada other
13 than the City shall apply to the Director for a license in order to provide [testing, medical marijuana, edible
14 marijuana products and/or marijuana infused products] its corresponding products or services within the City.
15 All applications for such licenses will be processed pursuant to LVMC Chapter 6.06. An application under
16 this Subsection (A) may be denied if the applicant's business license in another Nevada jurisdiction is not
17 currently valid or is subject to a disciplinary proceeding. License fees for such establishments shall be as set
18 forth in LVMC 6.95.230(C).

19 (B) A medical marijuana establishment referred to in the first sentence of Subsection
20 (A) shall not be required to:

21 (1) Comply with the permit process set forth in LVMC 6.95.040; or

22 (2) Post the surety bond required by LVMC 6.95.090.

23 (C) A medical marijuana support business, retail marijuana support business, or
24 marijuana distributor which has obtained a business license in a jurisdiction within Nevada other than the
25 City shall apply to the Director for a license in order to provide [transportation of marijuana or ancillary
26 support] its corresponding products or services to medical marijuana establishments or marijuana

1 establishments within the City. All applications for such licenses will be processed pursuant to LVMC
2 6.95.095[.] or LVMC 6.95.097, as applicable. The Director may combine a license to provide services as a
3 medical marijuana support business with a license to provide services as a retail marijuana support business
4 so that only one license is needed to authorize services to either medical marijuana establishments or retail
5 marijuana establishments. The Director may deny an application under this Subsection (C) if the applicant's
6 business license in another Nevada jurisdiction is not currently valid or is subject to a disciplinary proceeding.
7 License fees for such establishments shall be as set forth in LVMC 6.95.230(C).

8 SECTION 13: Title 6, Chapter 95, Section 110, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.95.110:** (A) Each medical marijuana establishment and marijuana establishment licensee shall
11 operate only in compliance with all State regulations, all City regulations, any operational plans regarding
12 the business that are on file with the City, and any restrictions imposed in connection with issuance of the
13 license. The licensee shall be responsible for filing with the City, at least semiannually, any changes in
14 operational plans that have been implemented or are proposed to be implemented.

15 (B) At least one qualified person shall be on the premises of a medical marijuana
16 dispensary or retail marijuana store at all times during the hours of operation or available for immediate
17 contact during hours of operation. Contact information of the qualified person shall be kept on the premises
18 and immediately accessible to the Department and Metro. For purposes of this subsection, a "qualified
19 person" means a principal who has been approved for suitability pursuant to LVMC 6.06.060 or a key
20 employee who has been approved for suitability pursuant to that Section.

21 (C) A medical marijuana establishment or marijuana establishment may not allow the
22 use, smoking, ingestion or consumption of any marijuana, edible marijuana, or marijuana-infused product on
23 the licensed premises.

24 (D) Any person or premises licensed as a medical marijuana establishment or marijuana
25 establishment shall comply with all City ordinances regulating signs and advertising. All signs and
26 advertisements must comply with all requirements of the State regulating authority.

1 (E) [Material that is misleading, deceptive, or false, as evidenced either by the content
2 of the advertising material or by the medium or the manner, in which the advertising is disseminated, is
3 designed to appeal to minors or promote the use of marijuana for other than medicinal purposes is prohibited.

4 (F) With respect to issues regarding signs and advertising that are not governed by
5 LVMC Title 19, each medical marijuana establishment shall conform to the approved sign and advertising
6 plan as a condition of the license. The Director shall not recommend for approval any sign and advertising
7 plan that:

8 (1) Has not been approved by the State regulating authority and does not
9 comply with all the requirements of the State regulating authority;

10 (2) Promotes the use of marijuana for other than medicinal purposes, or is
11 appealing to minors;

12 (3) Provides advertising utilizing any of the following media:

13 (a) A sign mounted on a vehicle;

14 (b) Any hand-held, human signage or other portable sign; or

15 (c) Any handbill, leaflet or flier directly handed to any person,
16 deposited, fastened, thrown, scattered, cast, or placed in a public place, left upon a motor vehicle, or any
17 handbill, leaflet or flier posted upon any public or private property without the consent of the property owner;

18 (4) Provides advertising in the form of signage that is located:

19 (a) Within one thousand feet of the property line of a church/house of
20 worship, public or private school that provides formal education traditionally associated with preschool or
21 kindergarten through grade twelve, care facility for children, teen dance center, park or playground, as
22 measured from a point on the ground directly beneath the center of the sign structure;

23 (b) On or in a public transit vehicle or public transit shelter; or

24 (c) On or in a publicly owned or operated property.

25 (5) Provides advertising by means of any video, print, online media, newspaper,
26 magazine, other periodical of general circulation, radio or broadcast medium which is generally or

1 specifically marketed to minors.

2 →The limitations set forth in Paragraph (4) of this Subsection (F) do not apply to any advertising sign that
3 is intended to identify the location of a medical marijuana establishment or marijuana establishment and that
4 is located on the same parcel as the establishment.]

5 Signs and other advertising shall comply with applicable provisions of LVMC Title 19. In addition
6 to and independent of those provisions, no sign or other advertising may:

7 (1) Make marijuana or marijuana products appeal to children;

8 (2) Utilize any of the following media:

9 (a) A sign mounted on a vehicle;

10 (b) Any hand-held, human signage or other portable sign; or

11 (c) Any handbill, leaflet or flier directly handed to any person,

12 deposited, fastened, thrown, scattered, cast, or placed in a public place, left upon a motor vehicle, or any

13 handbill, leaflet or flier posted upon any public or private property without the consent of the property owner;

14 (3) Include signage that is located on or in a publicly owned or operated
15 property.

16 [(G)] (F) The presence of minors on the premises of a medical marijuana establishment is
17 prohibited unless the minor is a qualified patient on the premises of a dispensary and is accompanied by his
18 or her parent or legal guardian. The presence of minors on the premises of a marijuana establishment is
19 prohibited under all circumstances. No licensee shall cause, permit or allow, either by act or by failure to act,
20 the violation of this subsection.

21 [(H)] (G) Medical marijuana, edible marijuana products and/or marijuana infused products
22 may only be transported [in accordance with the requirements of this Chapter, and only] by a licensed medical
23 marijuana establishment or a licensed medical marijuana support business. [No other person shall transport
24 medical marijuana, edible marijuana products and/or marijuana infused products on behalf of a licensed
25 medical marijuana establishment.] Transportation must meet all requirements of the State regulating
26 authority. [Product must be placed in unmarked, non-transparent transportation containers.

1 (1) All required transportation logs must be in the vehicle and made available
2 to law enforcement at any time the log is inspected. Upon being stopped by a law enforcement officer within
3 the City, each driver must identify to the officer that the product contained within the vehicle is marijuana,
4 edible marijuana products or marijuana-infused products, as the case may be, from a licensed medical
5 marijuana establishment and must present a state agent registration card, the route the vehicle was authorized
6 to travel and the actual travel log for inspection.]

7 [(I)] (H) [Each licensee is responsible to obtain a biennial building inspection from the
8 Building Official prior to renewal of any license.] Transportation of marijuana by a marijuana establishment
9 shall be subject to the requirements of the State regulating authority.

10 [(J)] (I) [Any closure, either temporary or permanent, must be noticed in writing to the
11 Director fifteen days prior to such closure, unless an emergency requires the closure of such facility which
12 must be reported to the Director within twenty-four hours of such closure.] A licensee must notify the
13 Director in writing of any closure of an establishment licensed under this Chapter, whether the closure is
14 temporary or permanent. Such notification must include the reasons for closing the establishment and
15 indicate how marijuana and marijuana products will be disposed of or secured. The notification must be
16 provided:

17 (1) Where closure is required in an emergency, within twenty-four hours after
18 the closure; or

19 (2) At least fifteen days prior to closure, otherwise.

20 [(K)] (J) Each licensee must meet the accounting and auditing procedures established by the
21 Department to track and record all sales for audit purposes. The Department must have access to such records
22 as provided for under LVMC 6.02.020.

23 (1) If an annual audit is required by the State regulating authority, the licensee
24 shall submit the audit report to the City within ninety days of the completion of the audit. All reports or
25 evaluations submitted hereunder shall be confidential and shall not be available for public inspection, except
26 as may be required under State or federal law.

1 (2) In compliance with all State and Federal privacy laws the licensee shall
2 allow the Director or a designee unrestricted access to all financial documents, books, records, facilities, and
3 all audio and video surveillance pertaining to the facilities. Any information obtained pursuant to this section
4 or any statement filed by the licensee shall be deemed confidential in character and shall not be subject to
5 public inspection or as determined by State and Federal privacy laws.

6 SECTION 14: Title 6, Chapter 95, Section 120, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.95.120:** Each medical marijuana establishment and marijuana establishment must submit, maintain
9 and follow a security plan approved by the Director. Any proposed modification to an approved security plan
10 must be submitted to the Director for approval. Any security plan for any such establishment must meet all
11 the criteria established by the State regulating authority and the following minimum requirements:

12 (A) Each licensed premises must have a security system which monitors all perimeter
13 entry points, windows, and controlled areas by a centrally monitored alarm company properly licensed with
14 the City, and whose agents are properly licensed and registered under applicable laws.

15 (B) A twenty-four-hour surveillance system is required to monitor the interior and
16 exterior of a medical marijuana establishment[,] or marijuana establishment, a live feed of which must be
17 accessible to authorized law enforcement at all times, and in real-time.

18 (1) All recorded images must clearly and accurately display the time and date.
19 Time is to be measured in accordance with U.S. National Institute of Standards and Technology standards.

20 (2) The surveillance system's data storage device must be secured on-site in a
21 lock box, cabinet, closet, or secured in another manner to protect from employee or third-party tampering or
22 criminal theft.

23 (3) A sign must be posted in any customer areas that the customer is under video
24 surveillance.

25 (C) The establishment shall be responsible for ensuring compliance with all local and
26 state regulations regarding the facility and must monitor parking areas and outdoor areas of the licensed

1 premises for loitering, unlawful [sale of medical marijuana by customers, and consumption of medical
2 marijuana.] sales and unlawful consumption.

3 (D) Any theft of items containing marijuana or the observance of any unauthorized
4 transactions of [medical] marijuana on the licensed premises must be reported to Metro and the Department
5 in written communication within twenty-four hours of occurrence.

6 (E) A sign shall be posted at the entrance to the location containing the name and
7 functioning telephone number of a twenty-four-hour on-call member engaged in the management of [a
8 medical marijuana] an establishment who shall receive, log, and respond to complaints and other inquiries.

9 (F) In addition to complying with all requirements set by the State regulating authority,
10 any licensed cultivation facility or marijuana cultivation facility shall[:

11 (1) Secure] secure the cultivation facility with full video surveillance capable
12 of clearly identifying any activities occurring within twenty feet of the exterior of the building and any
13 parking, fenced, or loading areas. A motion detection lighting system may be employed to illuminate the gate
14 area in low light conditions.

15 [(2) Must provide on-site security between the hours of ten p.m. and six a.m.]

16 (G) In addition to complying with all requirements set by the State regulating authority,
17 any licensed medical marijuana production facility or marijuana product manufacturing facility shall ensure
18 all production, transport, delivery, shipping, labeling and packaging areas have fixed camera coverage
19 capable of identifying activity occurring within a minimum of twenty feet.

20 (H) In addition to complying with all requirements set by the State regulating authority,
21 any licensed medical marijuana dispensary or retail marijuana store shall contain the following areas,
22 separated and segregated, and consistent with the following specific criteria:

23 (1) [Waiting] A waiting area containing only one entrance for the public, which
24 is visible immediately from one fixed staffed security station. The entire waiting area must also be monitored
25 by surveillance cameras.

26 (2) In the case of a medical marijuana dispensary, [Consultation] a private

1 consultation room where medical marijuana products are viewed for purchase, which must [be:] meet the
2 following requirements:

3 (a) [Separated] The room must be separated from any waiting area;
4 (b) Any windows or viewing areas must be obscured from the public
5 right-of-way or waiting area;

6 (c) [Any customer allowed to enter any room where medical marijuana,
7 edible marijuana products, or marijuana infused products are viewed for purchase is required to be within
8 view of and in an area monitored by an employee of the establishment;

9 [(d)] Only sample products may be viewed for purchase in such a room;
10 samples may be shown to customers outside of nontransparent packaging;

11 [(e)] (d) Customers may not remove any medical marijuana, edible
12 marijuana products, or marijuana infused products from the consultation room.

13 [(3)] (I) Within a licensed medical marijuana dispensary or retail marijuana store, [All
14 medical] all marijuana, edible marijuana products, or marijuana infused products, during non-business hours,
15 must be stored in a separated and secured area.

16 (a) The area must meet the Building Official's standards for odor
17 control.

18 (b) The area must be under surveillance by the camera system at all
19 times.

20 [(c)] One area may store both product and legal tender, however separate
21 storage devices must be maintained and both must be under video surveillance.]

22 [(4)] (J) Within a licensed medical marijuana dispensary or retail marijuana store, [All
23 medical marijuana, edible marijuana products, or marijuana infused products must be placed in an opaque
24 bag or cover that does not allow the product to be visible from outside of the bag or cover and closed by the
25 attendant of the dispensary or store prior to transfer to a customer.] any customer allowed to enter any room
26 where marijuana, edible marijuana products, or marijuana infused products are viewed for purchase is

1 required to be within view of and in an area monitored by an employee of the establishment.

2 SECTION 15: Title 6, Chapter 95, Section 130, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.95.130:** (A) A cultivation facility or marijuana cultivation facility must meet all odor control
5 regulations established by the [building department.] Building Official and by the applicable provisions of
6 LVMC Chapter 9.40. Within twenty-four hours of any complaints concerning odors, a cultivation facility or
7 marijuana cultivation facility shall respond to the complaints and file with the Director and the Building
8 Official all action taken to address odor complaints. The Director or Building Official, upon determination
9 of the existence of detectable odor from any [cultivation] such facility, may require additional measures by
10 the facility to control such odor and a timeframe for the implementation of such measures at [any cultivation]
11 the facility. Failure to complete required improvements within the timeframe specified by the Director or
12 Building Official is grounds for suspension of the license by the Director.

13 (B) [Any medical marijuana that is transported to a medical marijuana dispensary must
14 be packaged and placed in unmarked, non-transparent transportation containers.

15 (C)] Any medical marijuana that is transported to a medical marijuana production facility
16 must meet all State regulating authority standards.

17 [(D)] (C) Applicants must designate on their permit application the size of the area proposed
18 to be under cultivation on the premises. The cultivation area will be limited to the square footage granted on
19 the license. Other floor space of the facility may be used for walkways, ventilation, storage or any other
20 purposes required by the State regulating authority or the licensee for operations of the business. Allocated
21 square footage of cultivation area may be requested to be increased upon petition to the Director prior to the
22 renewal of the license.

23 [(E)] (D) The Council may reduce the square footage of any applicant or licensee if the
24 Council determines the size of the proposed facility is not in the interest of the surrounding community.

25 [(F)] (E) Prior to accepting any plant materials into [the] a cultivation facility or marijuana
26 cultivation facility for the first time, the [cultivation] facility shall notify the Department to conduct a pre-

1 operational inspection and shall pay all related inspection fees.

2 SECTION 16: Title 6, Chapter 95, Section 140, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.95.140:** In addition to any other requirement set forth [herein,] in this Chapter, [independent testing
5 laboratories must submit a registration certificate from the State regulating authority, must maintain all state
6 laboratory licenses required to test substances such as medical marijuana, and provide a copy of such licenses
7 and approvals at the time of licensing.] each independent testing laboratory and marijuana testing facility
8 must:

9 (A) Obtain and maintain a registration certificate or license, as applicable, from the State
10 regulating authority;

11 (B) Obtain and maintain all State laboratory licenses that are required in order to test
12 substances such as marijuana; and

13 (C) Upon request, provide to the City copies of such licenses and approvals.

14 SECTION 17: Title 6, Chapter 95, Section 150, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.95.150:** The following provisions apply to marijuana production facilities and marijuana product
17 manufacturing facilities:

18 (A) Inspections. The Department will conduct a pre-operational inspection at all
19 [medical marijuana production] such facilities to determine [whether the facilities, methods, practices and
20 controls used in the manufacture, processing, or holding of edible marijuana products or marijuana-infused
21 products conform to or are operated or administered within] compliance with the requirements of this
22 Chapter. The licensee is responsible for the costs of all inspections.

23 (B) Products and Labeling. Products to be sold at City-licensed medical marijuana
24 dispensaries and retail marijuana stores must meet the following:

25 (1) No infused products may contain alcoholic beverages as defined and
26 regulated by LVMC Chapter 6.50;

1 (2) [No product shall have the appearance or packaging of candies, characters,
2 shapes or other like products which are commonly marketed to children;

3 (3) Packaging must be opaque. Products must not be visible from or depicted
4 on the packaging;

5 (4) Labels must be simple in appearance without pictures or depictions of
6 objects, such as toys, characters, pictures of children, or cartoon characters or any other depiction which are
7 commonly marketed to children;

8 (5) Labels must not have the appearance of similar labels found in a grocery
9 store;] Products, as well as their packaging and labeling, must comply with the requirements of NRS Chapters
10 453A and 453D, as well as regulations promulgated thereunder.

11 [(6) Any edible marijuana products or marijuana infused products that are
12 transported to a licensed medical marijuana dispensary store must be packaged for retail sale in tamper
13 evident containers and placed in unmarked, non-transparent transportation containers.]

14 SECTION 18: Title 6, Chapter 95, Section 160, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.95.160:** Each licensed medical marijuana dispensary shall comply with the following requirements:

17 (A) Prices for all products shall be prominently posted in the waiting area in a location
18 and manner readily visible to prospective and actual clients. Prices shall not be posted on the exterior of the
19 licensed premises.

20 (B) All edible marijuana products and marijuana infused products offered for sale at
21 licensed medical marijuana dispensaries or retail marijuana stores shall [meet the requirements, restrictions
22 and labeling of edible marijuana products and marijuana infused products in accordance with LVMC
23 6.95.150(B). (See Medical Marijuana Production Facility.)] comply with the applicable packaging and
24 labeling requirements established by NRS Chapters 453A and 453D, as well as regulations promulgated
25 thereunder.

26 (C) Any dispensary that sells edible marijuana products or marijuana infused products

1 must display a placard that states the following:

2 (1) Edible Marijuana and Marijuana Infused Products. There may be health
3 risks associated with consumption of edible marijuana products or marijuana infused products.

4 (2) Edible products and marijuana infused products contain marijuana or active
5 compounds of marijuana.

6 (3) Should not be used by women who are pregnant or breast feeding.

7 (4) When eaten or swallowed, the intoxicating effects of this product can be
8 delayed two or more hours.

9 (5) Follow all recommended dosage and serving guidelines and
10 recommendations.

11 (6) "KEEP OUT OF REACH OF CHILDREN."

12 The placard shall be no smaller than eight inches tall by twelve inches wide, with font size letters no smaller
13 than forty-eight points. The placard shall be clearly visible and readable by customers and shall be written in
14 English.

15 (D) A medical marijuana dispensary or retail marijuana store is allowed to participate in
16 ancillary business activity within [a medical marijuana] the dispensary or store if the ancillary business
17 activity is:

18 (1) The sale of paraphernalia, [as defined by NRS 453A.125.]

19 (2) [Ancillary services which are services approved in the educational plan by
20 the State regulating authority, and which also must be approved for an ancillary license by the City.] The
21 ancillary sale of related retail merchandise, which may be approved by the Department without the need for
22 City Council approval.

23 (3) Other ancillary activities as approved by the City Council and subject to any
24 conditions the Council may impose.

25 (E) A medical marijuana dispensary or retail marijuana store may locate one or more
26 automatic teller machines for access [to] by patients and customers only for the dispensing of money if the

1 person operating the machine has been approved by the Director under LVMC 6.06.125 and the business is
2 licensed to operate such by the City. Money and legal tender may not be stored onsite except as detailed in
3 the approved security plan.

4 (F) The display of any product in any manner visible to the general public from the right-
5 of-way or outside of the facility is prohibited.

6 (G) [Reserved.] Except as otherwise provided in Subsection (H), all sales and
7 distribution of marijuana, edible marijuana products or marijuana infused products by a licensed medical
8 marijuana dispensary or retail marijuana store shall occur only upon the licensed premises, and no such items
9 or products may be provided by delivery to a location off the premises of the medical marijuana dispensary
10 or retail marijuana store, including by mail delivery or by private transportation.

11 (H) [The following activities are prohibited for all licensed medical marijuana
12 dispensaries:

13 (1) Off-site transportation or sale of medical marijuana, edible marijuana
14 products or marijuana infused products, except to another licensed medical marijuana establishment or the
15 location of the residence of a registry card holder and only to a residential address specified on the registration
16 card. All sales and distribution of medical marijuana, edible marijuana products or marijuana infused
17 products by a licensed medical marijuana dispensary shall occur only upon the licensed premise, and the
18 licensee shall be strictly prohibited from transporting or selling medical marijuana to any person at any other
19 location.

20 (2) A drive-thru or walk-up window for transactions or product transfer.

21 (3) Except as otherwise permitted by Paragraph (1) of this Subsection (H):

22 (a) A dispensary shall not dispense or distribute, sell, transfer or in any
23 other way provide marijuana, edible marijuana products or marijuana infused products other than by direct,
24 face-to face, in-person transaction with the holder of a registry identification card or designated primary
25 caregiver at the licensed facility; and

26 (b) Marijuana shall not be provided by any other means of delivery

1 including, without limitation:

2 (i) Mail delivery.

3 (ii) Private transportation of the product other than
4 transportation by a licensed medical marijuana establishment or medical marijuana support business.] Off-
5 site transportation, sale or delivery of marijuana, marijuana products or marijuana infused products by a
6 medical marijuana dispensary or a retail marijuana store is permitted in accordance with applicable
7 regulations of the State regulating authority.

8 (I) [Dispensaries must inform each customer either by signage, written receipt or on
9 product labeling that it is illegal to re-sell medical marijuana, edible marijuana products or marijuana infused
10 products to any person.

11 (J) The dispensary shall provide the Director, Metro and all neighbors located within
12 fifty feet of the premises with the name, phone number, and facsimile number of an on-site community
13 relations staff person to whom one can provide notice if there are operating problems associated with the
14 dispensary.

15 (K) Within a medical marijuana dispensary, [No] no advertising, materials or postings
16 within the waiting areas may advertise locations, devices or activities promoting the consumption of
17 marijuana or other facilities selling or purporting to provide locations for the private or public consumption
18 of marijuana.

19 [(L) A medical marijuana dispensary must maintain an electronic verification system in
20 accordance with the requirements of the State regulating authority, which must be used to record data required
21 by the State regulating authority and to validate each registry identification card presented and the allowed
22 amount of medical marijuana to be dispensed.]

23 SECTION 19: Title 6, Chapter 95, Section 170, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

25 SECTION 20: Title 6, Chapter 95, Section 180, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.95.180:** (A) Prior to the issuance of a license or the renewal of a license, each applicant must file
2 with the Director a plan for the disposal, maintenance or transfer of all plant material, products and usable
3 [medical] marijuana for implementation due to any of the following conditions:

4 (1) Closure of the medical marijuana establishment[,] or marijuana
5 establishment, revocation or nonrenewal of the registration certificate or license issued by the State regulating
6 authority, or revocation or nonrenewal of a license granted pursuant to this Chapter.

7 (2) The appointment of an administrator, receiver, trustee, or assignee in the
8 event of the receivership, bankruptcy, or assignment for benefit of creditors of any licensee.

9 (B) The plan must include[:] the following elements:

10 (1) The Director must be notified within ten days of such appointment to act
11 pursuant to Paragraph (2) of Subsection (A) above.

12 (2) That business must cease all sales of [medical] marijuana products including
13 wholesale, edible or infused products and dispensary sales until such time as a new certificate or license has
14 been issued by the State regulating authority and a license has been granted by the City.

15 (3) An inspection prior to the transfer of any materials to be disposed of or
16 transferred to another licensed medical marijuana establishment[,] or marijuana establishment.

17 (4) The plan must be executable within ten days and approved by the Director.

18 (C) When [the matter is] all issues regarding a closure or appointment described in
19 Subsection (A) have been resolved, the true party(ies) of interest may apply for a license once certified or
20 licensed by the State regulating authority.

21 SECTION 21: Title 6, Chapter 95, Section 190, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.95.190:** (A) [Medical marijuana] Marijuana and any related waste, including wastewater, must
24 be stored, secured and managed in accordance with applicable state statutes and regulations and LVMC Title
25 14, [and state approved disposal plan.] Within thirty calendar days of the expiration of use of [medical]
26 marijuana, a medical marijuana establishment or marijuana establishment must dispose of [medical] the

1 marijuana, return it to a cultivation facility or marijuana cultivation facility for disposal, or return it to a
2 production facility or marijuana product manufacturing facility for disposal. [Medical marijuana] Marijuana
3 waste must be made unusable prior to disposal.

4 [(A)] (B) Wastes that must be rendered unusable prior to disposal include, but are not limited
5 to:

6 (1) Marijuana plant waste, including roots, stalks, leaves, and stems that have
7 not been processed with solvent.

8 (2) Solid marijuana sample plant waste possessed by third-party laboratories
9 certified by the State regulating authority for quality assurance that must be disposed of.

10 [(B)] (C) The allowable method to render marijuana plant waste unusable is by grinding and
11 incorporating the marijuana plant waste with non-consumable solid waste or other ground materials so the
12 resulting mixture is at least fifty percent non-marijuana waste by volume. Other methods to render marijuana
13 waste unusable must be approved by the State regulating authority and the Director before implementing.

14 [(C)] (D) Marijuana waste rendered unusable following an approved method in the facility
15 disposal plan may be delivered to a franchised or licensed solid waste facility for final disposition.

16 [(D)] (E) Disposal cannot include [medical] marijuana product including plant material
17 entering the City wastewater collection system, storm drain system or any unsecure rubbish disposal system.

18 [(E)] (F) A medical marijuana establishment or marijuana establishment shall not transfer,
19 share, give, sell or deliver any unused [medical] marijuana in the establishment's possession to any other
20 person unless the person is licensed as a medical marijuana establishment or marijuana establishment, or an
21 establishment approved in the state approved disposal plan.

22 [(F)] (G) A medical marijuana establishment or marijuana establishment shall not dispose of
23 [medical] marijuana in any manner other than as permitted under this Chapter.

24 SECTION 22: Title 6, Chapter 95, of the Municipal Code of the City of Las Vegas, Nevada,
25 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 195, reading as
26 follows:

1 **6.95.195:** Nothing in this Chapter authorizes the sale of paraphernalia or marijuana paraphernalia by
2 anyone other than the holder of a medical marijuana dispensary license or a retail marijuana store license.
3 The sale of paraphernalia or marijuana paraphernalia by holders of other business licenses, if such sales are
4 allowed, shall be in accordance with the chapters of this Code that govern those other licenses.

5 SECTION 23: Title 6, Chapter 95, Section 200, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.95.200:** (A) Each employee, [whether a full- or part-time employee,] independent contractor,
8 medical marijuana establishment agent, marijuana distributor agent or volunteer who works in a medical
9 marijuana establishment [business or facility] or marijuana establishment shall obtain, prior to the
10 commencement of work, and keep in force during the term of employment, a work card issued pursuant to
11 LVMC Chapter 6.86. The same requirement applies to any person who transports marijuana or marijuana
12 products on behalf of any of the persons listed in the preceding sentence. However, the work card
13 requirements set forth in this Subsection (A) do not apply to anyone who qualifies as a principal of any entity
14 described in this Subsection (A) and who has been approved for suitability pursuant to LVMC Chapter 6.06.
15 A complete and accurate list of all [employees and volunteers, each of whom must] persons required to have
16 a valid medical marijuana establishment agent registration card, a marijuana distributor agent registration,
17 [and] or work card issued pursuant to LVMC Chapter 6.86, must be kept onsite and available for inspection
18 at all times. The list must contain the current employment status, position, and title [and work shift] of each
19 [employee and volunteer, and work shift.] person listed.

20 (B) It shall be a condition of [the] a license under this Chapter to inform the City of any
21 change in the employment status of a registered employee or volunteer who serves in a management position
22 or as a key employee within ten days of the effective date of the change in employment status. A change of
23 employment status includes termination, leave of absence, and promotion to a management position or key
24 employee.

25 SECTION 24: Title 6, Chapter 95, Section 210, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.95.210:** The confidentiality of records regarding medical marijuana establishments and marijuana
2 establishments shall be in accordance with Federal and State law. The duty to disclose any particular record
3 as a public record shall be in accordance with State law.

4 SECTION 25: Title 6, Chapter 95, Section 220, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.95.220:** (A) All licenses authorized and issued under the provisions of this Chapter may be
7 subject to immediate suspension by the Director, if the Director finds that:

8 [(A)] (1) A licensee has violated, or permitted, allowed or caused a violation of any
9 provision of this Chapter, any regulation issued pursuant to this Chapter, any condition of approval imposed
10 upon the issuance of the permit or license, or any State law or regulation relating to the operation;

11 [(B)] (2) If [the] a State registration certificate or license has been surrendered,
12 suspended or revoked;

13 [(C)] (3) Based on ascertainable facts, the operation substantially aggravates the
14 crime problems in the City, makes law enforcement unduly difficult, or is detrimental to the public health,
15 safety or welfare of the City;

16 [(D)] (4) A licensee has made any fraudulent statements as to a material fact on an
17 application form, as to any other information presented as part of the application process, or in connection
18 with any other information required to be submitted to the Director pursuant to this Chapter;

19 [(E)] (5) A licensee knowingly commits any act which would have constituted
20 grounds for denial of an application for a license;

21 [(F)] (6) [Licensee] A licensee has failed [either] to file the required reports [or
22 biennial review documentation] or to furnish such information as may be reasonably required by the Director
23 under the authority vested in the Director by the terms of the provisions relating to the specific license;

24 [(G)] (7) Any fact or condition exists which, if it had existed or been known to exist
25 at the time of the application for such compliance permit or license, would have warranted the Director to
26 recommend denial of the permit or license; or

1 [(H)] (8) The licensee has failed to maintain the premises in compliance with the
2 requirements of the [building official] Building Official or the fire chief or any environmental or health
3 department.

4 (B) Any act or omission committed by any employee, agent, or independent contractor
5 that occurs in the course of his or her employment, agency, or contract with the licensee shall be imputed to
6 the licensee for the purposing of imposing any civil penalty, suspension, or revocation on the licensee.

7 (C) In lieu of any license suspension, the [director] Director may assess a civil penalty
8 against the licensee per LVMC Chapter 6.02.

9 (D) In the event of any condition that justifies suspension of a license, the Director shall
10 have the discretion to recommend to the City Council that the license be revoked, or other penalty imposed.

11 (E) In the event of the suspension of any license, the Director shall provide written notice
12 by certified mail addressed to the licensee and the building owner at the addresses of record. Notice shall
13 also be sent to the state regulating authority.

14 (F) Failure to immediately suspend all business operations [to] that serve the public or
15 other medical marijuana establishments or marijuana establishments shall [require the Director to post the
16 property as closed by order of the Director,] be grounds for the Director to post the property as closed by
17 order of the Director and shall be grounds for revocation of a license. Staff of a licensed cultivation facility
18 or marijuana cultivation facility is permitted to be onsite during the appeal process to maintain the needs of
19 the plants. [for a cultivation facility.]

20 (G) A licensee may appeal any suspension, nonrenewal or other penalty to the City
21 Council. Any suspension or other penalty shall be effective pending completion of any appeal. All appeals
22 will be processed per LVMC Chapter 6.06.

23 SECTION 26: Title 6, Chapter 95, Section 230, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

25 SECTION 27: Title 6, Chapter 95, of the Municipal Code of the City of Las Vegas, Nevada,
26 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 230, reading as

1 follows:

2 **6.95.230:** (A) Except as otherwise provided in this Section, each medical marijuana establishment
3 and marijuana establishment shall pay a semi-annual license fee based on its gross revenue. The applicable
4 license fee for the sale of marijuana and marijuana products, and the distribution thereof, is three percent of
5 gross revenue. The applicable license fee for medical marijuana support businesses, retail marijuana support
6 businesses, marijuana distributor transportation contractors, and for the sale of products other than marijuana
7 and marijuana products shall be calculated pursuant to LVMC 6.04.005. The fee basis for marijuana
8 distributors and marijuana distributor transportation contractors is the gross revenue derived from
9 transportation rather than from product sales. Notwithstanding anything to the contrary in LVMC 6.02.010,
10 the gross revenue of a marijuana cultivation facility shall be deemed to include the fair market value at
11 wholesale of marijuana that the facility sells or transfers to another marijuana establishment that is a related
12 entity as defined in Section 267 of the Internal Revenue Code. For purposes of this Subsection, "fair market
13 value" shall be as established by the Nevada Department of Taxation pursuant to its adopted regulations.

14 (B) All gross revenue fees described in this Section shall be administered in accordance
15 with applicable provisions of LVMC 6.02.160 to 6.02.260, inclusive.

16 (C) If semi-annual license fees described in the Section and any associated penalties are
17 not received by the Department within sixty days after the due date, the license shall be automatically
18 revoked.

19 (D) Each business listed below that is based outside the City shall pay to the Department
20 a semi-annual license fee as set forth in the following schedule:

21 ...
22 ...
23 ...
24 ...
25 ...
26 ...

License Category	Semi-Annual License Fee
Medical Marijuana Cultivation Facility or Cultivation Facility	1% of gross revenue or \$5,000.00, whichever is greater, but not to exceed 3% of gross revenue
Medical Marijuana Production Facility or Marijuana Product Manufacturing Facility	1% of gross revenue or \$1,500.00, whichever is greater, but not to exceed 3% of gross revenue
Independent Testing Laboratory or Marijuana Testing Facility	1% of gross revenue
Marijuana Distributor, Medical Marijuana Support Business, Retail Marijuana Support Business or Marijuana Distributor Transportation Contractor	Pursuant to LVMC 6.04.005

(E) In addition to the semi-annual license fees described in this Section, each of the following license categories of businesses located within the City shall pay a one-time origination charge as listed in the following schedule, which is due and payable at the time of filing an application for a license issued pursuant to this Chapter:

License Category	Origination Charge
Medical Marijuana Cultivation Facility or Cultivation Facility	\$20,000.00 for 1st 5,000 square feet of approved cultivation area and \$10,000.00 for each additional 5,000 square feet, or portion thereof, of approved cultivation area
Medical Marijuana Production Facility or Marijuana Product Manufacturing Facility	\$5,000
Independent Testing Laboratory or Marijuana Testing Facility	\$10,000
Medical Marijuana Dispensary or Marijuana Retail Store	\$75,000
Marijuana Distributor	\$10,000

SECTION 28: Title 6, Chapter 95, Section 240, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.95.240: The Council may enter into agreements with other local governments to restrict cultivation to a regional location or a regional limit based on square feet of building space that may be licensed for the cultivation of [medical] marijuana to supply licensed medical marijuana dispensaries or retail marijuana stores within the City.

SECTION 29: Title 6, Chapter 95, Section 250, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.95.250:** Except as otherwise specifically provided herein[,] and as authorized by State law and
2 regulations, [this Chapter incorporates the requirements and procedures set forth in NRS 453A and NAC
3 453A.] nothing in this Chapter is intended to be inconsistent or in conflict with NRS Chapter 453A and 453D
4 and State regulations promulgated thereunder. In the event of any conflict between the provisions of this
5 Chapter and [the provisions of NRS 453A and NAC 453A, or any other applicable State or local law,] any
6 mandatory provision of State or local law or regulations, the more restrictive provision shall control.

7 SECTION 30: Title 6, Chapter 95, of the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, is hereby amended by adding thereto five new sections, designated respectively as Sections
9 260 to 300, inclusive, reading as follows:

10 **6.95.260:** In accordance with and subject to LVMC 6.95.270 to 6.95.300, inclusive, a person who holds
11 a valid medical marijuana establishment license pursuant to this Chapter may apply for and obtain a license
12 to operate as a dual use marijuana business. The dual use marijuana license is a separate license from any
13 medical marijuana establishment license issued pursuant to this Chapter and authorizes the following:

14 (A) The holder of a medical marijuana dispensary license under this Chapter to operate
15 a retail marijuana store.

16 (B) The holder of a medical marijuana cultivation facility license under this Chapter to
17 operate a marijuana cultivation facility.

18 (C) The holder of a medical marijuana testing facility license under this Chapter to
19 operate a marijuana testing facility.

20 (D) The holder of a medical marijuana production facility license under this Chapter to
21 operate a marijuana product manufacturing facility.

22 **6.95.270:** Pursuant to LVMC 6.95.260 to 6.95.300, inclusive, the Director may issue a business license
23 to operate as a dual use marijuana business to a person who meets all the following criteria:

24 (A) Possesses a valid state issued Medical Marijuana Establishment Registration
25 Certificate and is operating in good standing under such Certificate as defined in the Nevada Administrative
26 Code;

1 (B) Possesses a valid state issued license to operate a marijuana establishment pursuant
2 to NRS Chapter 453D; and

3 (C) Possesses a valid City medical marijuana establishment license issued pursuant to
4 this Chapter and is in compliance with this Chapter, including the payment of all required business license
5 fees and any delinquent civil penalties that have been assessed to the business in connection with the
6 operation of a medical marijuana establishment.

7 **6.95.280:** Each dual use marijuana business licensed pursuant to LVMC 6.95.260 to 6.95.300,
8 inclusive, shall pay applicable origination and semi-annual license fees in accordance with the fee schedule
9 set forth in LVMC 6.95.230, with gross revenue-based fees to be calculated regarding medical and retail
10 operations. Any flat fees that have been paid by the licensee pursuant to this Chapter for the period between
11 July 1, 2016, and June 30, 2017, may be credited towards the origination fee for the dual use marijuana
12 business license.

13 **6.95.290:** Any dual use marijuana business licensed pursuant to LVMC 6.95.260 to 6.95.300,
14 inclusive, must conform to all applicable rules set forth in this Chapter, as well as applicable provisions of
15 NRS Chapter 453D, and Chapter 453D of the Nevada Administrative Code.

16 **6.95.300:** The Director shall have authority to apply provisions of LVMC Chapter 6.06 to applicants
17 for a license under LVMC 6.95.260 to 6.95.300, inclusive, including the authority to waive any or all
18 principals from the requirements of suitability.

19 SECTION 31: Title 6, Chapter 2, Section 10, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.02.010:** Unless the context otherwise requires, the scope of all words in this Title shall be liberally
22 construed in order to effectuate the purposes of this Title. In particular, the following words shall have the
23 meaning ascribed to them as follows:

24 "Ancillary license" means a license issued that is incidental to a primary business.

25 "Applicant" means any person who has applied for a City business license, approval of suitability,
26 work card or any permit.

1 "Business" means any business, commercial enterprise, trade, occupation, calling, profession,
2 vocation or activity engaged in, conducted, carried on, advertised or marketed, by any person, his agent or
3 employee for the purpose of gain, benefit or advantage, either direct or indirect.

4 "Department" means the Department of Planning.

5 "Director" means the Director of the Department of Planning and those persons authorized to act in
6 the Director's behalf.

7 "Employee" means any person who performs services for another for hire, salary, wages or any other
8 kind of compensation, whether or not the services are casual, temporary or permanent, and whether or not
9 the contract of service is express or implied, oral or written.

10 "Establishment" means any business conducted in or upon any premises, and includes any buildings,
11 improvements, equipment and facilities used or maintained in connection with such business.

12 "Governmental entity" means an entity of Federal, State or local government whose activities are
13 exempt from Federal income taxation.

14 "Gross sales/gross revenues," as used in connection with the determination of license fees, means
15 the total amount of the sale price of all goods sold, the total amount charged or received for the performance
16 of any act, service or employment, of whatever nature it may be, whether or not such service, act or
17 employment is performed as part of or in connection with the sale of goods, wares or merchandise for which
18 a charge is made or credit allowed, including all receipts, cash, credits or property of any kind, any amount
19 for which credit is allowed by the seller to the purchaser without any deduction therefrom on account of the
20 cost of property of any kind, any amount for which credit is allowed by the seller to the purchaser without
21 any deduction therefrom on account of the cost of property sold, cost of materials used, labor or service costs,
22 interest paid or payable, losses or any other expense whatsoever. For purposes of this definition, "goods"
23 includes without limitation beverage items. The revenue of a business that includes the sale of alcoholic
24 beverages includes revenue from alcoholic beverage sales.

25 (A) The term gross sales/gross revenue shall not include:

26 (1) Cash discounts which are allowed or taken on sales/revenue;

1 (2) Over-allowance on trade-ins of used merchandise, cars or goods which are
2 received in trade for the purchase of new merchandise, cars or goods. For purposes of this definition,
3 "over-allowance" means the amount which is allowed on any trade-in which is in excess of the actual sale
4 price of the trade-in by the dealer, whether that sale is wholesale, retail or at auction. In order for a dealer of
5 new merchandise, cars or goods to substantiate deductions for over-allowances, a separate general ledger
6 account must be maintained which accumulates the total over-allowances. This account must be supported
7 by a cash receipt journal or similar journal which summarizes the daily transactions. Each daily entry must
8 be supported by the original contract which clearly substantiates the difference between the actual sales price
9 and the allowance which is given to the customer on the trade-in;

10 (3) Inventory transfers between dealers of new merchandise, cars or goods and
11 their wholly owned leasing companies, wherein no profit is involved. In order for a dealer of new
12 merchandise, cars or goods to substantiate deductions for inventory transfers, a separate account must be
13 maintained in the general ledger for all merchandise, cars or goods which are transferred to its wholly owned
14 leasing company. These transactions must be traceable to a cash receipt journal or similar journal which
15 summarizes daily transactions. Each daily entry must be supported by paperwork which legally transfers the
16 new merchandise, car or goods to the leasing company;

17 (4) Any tax on fuel or retail sales that is collected by the seller; and

18 (5) Except as otherwise provided in LVMC 6.95.230, [Any] any charge
19 between a purchaser and seller where, at the time a license fee is due, the purchaser and seller are related
20 entities as defined in Section 267 of the Internal Revenue Code.

21 "Health District" means the Southern Nevada Health District.

22 "License" means permission granted by the licensing authority to engage in the business for which
23 the license is issued, which permission typically is evidenced by a written document.

24 "Licensee" means any person to whom a valid license has been issued pursuant to this Title.

25 "License fee" means any money required by law to be paid to obtain, renew or maintain a license.

26 "Metro" means the Las Vegas Metropolitan Police Department.

1 "Person" includes any association, corporation, firm, partnership, trust or other form of business or
2 social association or organization, as well as a natural person and the estate of a natural person.

3 "Personal representative" means any person authorized to act on behalf of the estate of a natural
4 person.

5 "Premises" means land together with all buildings, appurtenances, improvements, parking areas and
6 personal property located thereon.

7 "Primary license" means a license issued that represents the primary focus of a business.

8 "Principal" means:

9 (A) Any person who is an officer, director, trustee, personal representative or general
10 partner or who has an ownership interest in or voting control of the business equal to or greater than ten
11 percent of the entire ownership of voting control of such business. If the ownership interest or voting control
12 is held by a person other than an individual, then each officer, director, trustee, personal representative or
13 general partner of such person is a principal;

14 (B) Any person who is or will be directly engaged in the administration or supervision
15 of the business; and

16 (C) Any other person if, in the Director's opinion, the person exercises, or is capable of
17 exercising, significant influence over the business, including, but not limited to, a natural person or corporate
18 entity that provides a source of funding for the initial capitalization and/or the ongoing payment of expenses
19 for the business.

20 "Professional" means a person who:

21 (A) Holds a license, certificate, registration, permit or similar type of authorization
22 issued by a State regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada
23 Supreme Court Rules; and

24 (B) Practices his or her profession for any type of compensation as an employee of a
25 professional business. The term "employee of a professional business," for the purposes of this definition,
26 includes an owner, sole proprietor, member, partner or associate of a professional business, but does not

1 include a person who, under a contractual arrangement with a professional business, provides services for or
2 in association with that business as an independent contractor.

3 "Professional business" means a business which:

4 (A) Holds itself out as offering services regarding one or more of the professions
5 regulated by a State regulatory body as defined in NRS 622.060 or by Nevada Supreme Court Rules; and

6 (B) Provides such services through the business's principals, professionals, or others
7 qualified under State law or Nevada Supreme Court Rules to provide such services.

8 →For purposes of licensing and the payment of business license fees, the term includes the business activities
9 of a person who provides or offers to provide such services in association with, and by means of an
10 independent contractor relationship with, another professional business providing those services.

11 "Valid unexpired license" means a license that has not been suspended or revoked before its
12 expiration date.

13 SECTION 32: Title 6, Chapter 2, Section 250, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.02.250:** (A) All license fees other than gaming, alcoholic beverage, [and annual] medical
16 marijuana establishment, and marijuana establishment license fees shall become delinquent if not received
17 within fifteen days after the due date. If full payment is not made within fifteen days after the due date, fifteen
18 percent of the entire license fee shall be assessed as a penalty, payable in addition to the license fee; provided,
19 however, if the fifteenth day following the due date is a day that the principal offices of the City are not open
20 to the public, the penalty must not be assessed if the license fee is received before midnight of the next day
21 on which the principal offices of the City are open to the public.

22 (B) Except as otherwise provided in Subsection (E) with respect to ice cream truck, [and]
23 medical marijuana establishment and marijuana establishment licenses, all licenses for which fees and
24 assessed penalty charges have not been paid within sixty days after the license fee due date are deemed
25 expired and shall not be reinstated until the license fees, assessed penalty charges and a reinstatement fee of
26 fifty dollars have been paid. A license is eligible for reinstatement only within the four-month period

1 following its expiration.

2 (C) The Director may refer any delinquent license fees and assessed penalty charges to
3 a collection agency for collection if they have not been paid within sixty days after the license fee due date.
4 The Director may do likewise regarding any service charges and administrative fees that have been assessed
5 pursuant to LVMC 6.02.020(B)(7) and have not been paid in a timely manner.

6 (D) As a condition of reinstatement of a license deemed expired pursuant to Subsection
7 (B) of this Section, the licensee shall, in addition to payment of any outstanding license fees, penalty charges,
8 service charges, administrative fees, and reinstatement fees, reimburse the City for any expenses it has
9 incurred as a result of referring the licensee's delinquent license fees and assessed penalty charges to a
10 collection agency.

11 (E) [The renewal and expiration of ice cream truck licenses shall be in accordance with
12 LVMC 6.47.030(B)(4). The renewal and expiration of medical marijuana licenses shall be in accordance with
13 LVMC 6.95.170.] Ice cream truck licenses shall be governed by LVMC 6.47.030(B)(4). Medical marijuana
14 establishment and marijuana establishment licenses shall be governed by LVMC Chapters 6.06 and 6.95.

15 SECTION 33: The provisions of Section 30 of this Ordinance adopting LVMC 6.95.260 to
16 6.95.300, inclusive, as well as the corresponding definitions to be added to LVMC 6.95.020 by Section 1 of
17 this Ordinance, are intended to incorporate into the Municipal Code the provisions of Ordinance No. 6588,
18 adopted on June 21, 2017. Ordinance No. 6588 expired by limitation according to its terms, but the City
19 Council intends and ordains that actions taken pursuant to the authority of that Ordinance, including those
20 that would have expired under that Ordinance, are ratified and validated, including ratification, validation
21 and continuation of licenses issued thereunder in accordance with their terms.

22 SECTION 34: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
23 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
24 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
25 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
26 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase

1 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
2 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

3 SECTION 35: Whenever in this ordinance any act is prohibited or is made or declared to
4 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
5 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
6 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
7 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
8 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
9 of this ordinance shall constitute a separate offense.

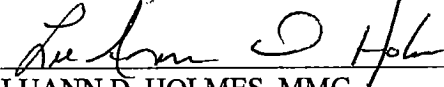
10 SECTION 36: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
12 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this 16th day of May, 2018.

14 APPROVED:

15 By 
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC
City Clerk

20 APPROVED AS TO FORM:

21  4-30-18
22 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of April, 2018, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 16th day of May, 2018,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Pro Tem Tarkanian and Councilmembers Anthony, Coffin
Seroka, Fiore and Crear

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: Mayor Goodman

11 APPROVED:

12
13 
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 
16 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000982357

RECEIVED
CITY CLERK

2018 MAY -7 A 11:51

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/03/2018 to 05/03/2018, on the following days:

05 / 03 / 18

**FIRST AMENDMENT
BILL NO. 2018-9**

AN ORDINANCE TO AMEND
LVMC CHAPTER 6.95
PERTAINING TO MEDICAL
MARIJUANA TO CONFORM TO
RECENTLY-ADOPTED
PROVISIONS OF STATE LAW; TO
ADD TO THAT CHAPTER
PROVISIONS REGARDING THE
LICENSING AND REGULATION OF
"RETAIL" MARIJUANA
OPERATIONS CONSISTENT WITH
STATE LAW; AND TO PROVIDE
FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Coffin

Summary: Amends LVMC
Chapter 6.95 pertaining to
medical marijuana to 1)
conform to recently-adopted
provisions of State law and 2)
add to that Chapter provisions
regarding the licensing and
regulation of "retail" marijuana
operations consistent with
State law.

At the City Council meeting of
April 18, 2018

BILL NO. 2018-9 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

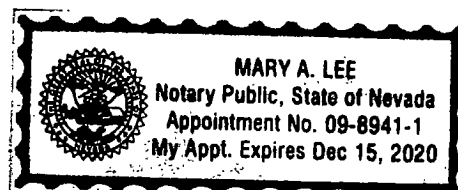
PUB: May 3, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of May, 2018

Notary





AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000985806

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2018 MAY 24 A 11: 39

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/19/2018 to 05/19/2018, on the following days:

05 / 19 / 18

[Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of May, 2018

Notary *[Signature]*



FIRST AMENDMENT

**BILL NO. 2018-9
ORDINANCE NO. 6620**

AN ORDINANCE TO AMEND LVMC CHAPTER 6.95 PERTAINING TO MEDICAL MARIJUANA TO CONFORM TO RECENTLY ADOPTED PROVISIONS OF STATE LAW; TO ADD TO THAT CHAPTER PROVISIONS REGARDING THE LICENSING AND REGULATION OF "RETAIL" MARIJUANA OPERATIONS CONSISTENT WITH STATE LAW; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Coffin

Summary: Amends LVMC Chapter 6.95 pertaining to medical marijuana to 1) conform to recently-adopted provisions of State law and 2) add to that Chapter provisions regarding the licensing and regulation of "retail" marijuana operations consistent with State law.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of April, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of May, 2018, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmembers Tarkanian, Anthony, Coffin, Seroka, Fiore and Crear

ABSTAINED:
Mayor Goodman

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 19, 2018
LV Review-Journal